

Senate Amendment 3316

PAG LIN

1 1 Amend the House amendment, S-3266, to Senate File
1 2 433, as amended, passed, and reprinted by the Senate,
1 3 as follows:
1 4 #1. Page 1, by inserting after line 37 the
1 5 following:
1 6 <#____. Page 2, by striking line 19 and inserting
1 7 the following: <such practice prior to an inspection,
1 8 no>.>
1 9 #2. Page 1, by inserting before line 38 the
1 10 following:
1 11 <#____. Page 2, by striking lines 22 through 24 and
1 12 inserting the following: <to section 135C.33; 481 IAC
1 13 } 57.12(2)(d), 57.12(3), 57.15(5), 57.25(1), 57.39,
1 14 58.11(3), 58.14(5), 58.19(2)(a), 58.19(2)(h),
1 15 58.28(1)(a), 58.43, 62.9(5), 62.15(1)(a), 62.19(2)(c),
1 16 62.19(7), 62.23(23)=(25), 63.11(2)(d), 63.11(3),
1 17 63.23(1)(a), 63.37, 64.4(9), 64.33, 64.34, 65.9(5),
1 18 65.15, or 65.25(3)=(5), or the successor to any of
1 19 such rules; or 42 C.F.R. } 483.420(d), 483.460(c)(4),
1 20 or 483.470(j), or the successor to any of such federal
1 21 regulations.>>
1 22 3. Page 2, by inserting after line 23 the
1 23 following:
1 24 <#____. Page 4, by inserting after line 16 the
1 25 following:
1 26 <Sec. _____. Section 135C.43, subsection 1, Code
1 27 2009, is amended to read as follows:
1 28 1. A facility which desires to ~~contest a citation~~
~~1 29 for a Class I violation, or to further contest an~~
1 30 affirmed or modified citation for a Class I, Class II,
1 31 or Class III violation, may do so in the manner
1 32 provided by chapter 17A for contested cases. Notice
1 33 of intent to formally contest a citation shall be
1 34 given the department in writing within five days ~~after~~
~~1 35 service of a citation for a Class I violation, or~~
~~1 36 within five days after the informal conference or~~
1 37 after receipt of the written explanation of the
1 38 representative delegated to hold the informal
1 39 conference, whichever is applicable, in the case of an
1 40 affirmed or modified citation for a Class I, Class II,
1 41 or Class III violation. A facility which has
1 42 exhausted all adequate administrative remedies and is
1 43 aggrieved by the final action of the department may
1 44 petition for judicial review in the manner provided by
1 45 chapter 17A.>>
1 46 #4. By renumbering as necessary.
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1 49
1 50 WILLIAM DOTZLER
2 1 SF 433.701 83
2 2 jr/nh/24238